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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF ARIZONA

8 UNITED STATES OF AMERICA, ) No. 08-3181M  
9 Plaintiff, )  
10 Vs. ) ORDER  
11 Victor Alfonso Valenzuela- Garcia )  
12 aka Victor Alfonso Valenzuela )  
13 Defendant. )  
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15 Having considered Defendant's Motion to Extend Time and good cause having  
16 been shown:

17 THE COURT makes the following findings:

- 18 1. Counsel for Defendant has only recently been appointed;  
19 2. The Defendant earnestly wishes to consider the plea offer extended by the  
20 Government;  
21 3. The Defendant wishes to investigate possible defenses prior to considering  
22 the Government's plea offer;  
23 4. The Government's plea offer, if accepted by the Defendant and then the  
24 Court, would likely reduce Defendant's exposure to a significant term of imprisonment;  
25 5. If the Defendant does not timely accept the plea offer prior to indictment,  
26 the government will withdraw said plea offer and any subsequent plea offer after  
27 indictment would likely be less advantageous to the Defendant;  
28 6. Failure to extend time for indictment in this instance would thus operate to

1 bar defendant from reviewing the Government's plea offer in a meaningful way prior to  
2 indictment; and

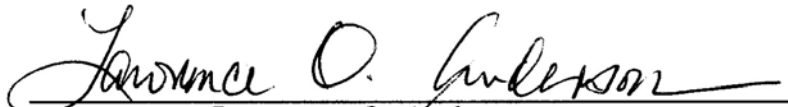
3 7. The ends of justice served by this continuance outweigh the best interest of  
4 the public and the Defendant in a speedy indictment.

5 The Court therefore concludes that the ends of justice are best served by granting  
6 an extension of time to present the case to the grand jury and in excluding a period of  
7 thirty (30) days under the Speedy Trial Act. In making this determination, the Court has  
8 particularly taken into account that the failure to grant the Defendant's request "would  
9 deny counsel for the defendant . . . the reasonable time necessary for effective  
10 preparation, taking into account the exercise of due diligence." 18 U.S.C. §  
11 3161(h)(8)(B)(iv).

12 **IT IS HEREBY ORDERED** that defendant's Motion to Extend Time for  
13 Indictment requesting an extension of thirty (30) days within the government may seek to  
14 indict defendant, is hereby granted.

15 **IT IS FURTHER ORDERED** that pursuant to the Speedy Trial Act, 18 U.S.C. §  
16 3161, the Government shall have an extension of thirty (30) days to file a timely  
17 Indictment. Excludable time shall begin to run on the 31st day after arrest for a period of  
18 thirty (30) days in which the Government may present the case to the grand jury.

19 DATED this 5<sup>th</sup> day of June, 2008.

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22 Lawrence O. Anderson  
United States Magistrate Judge  
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